

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In this response, claims 1, 17, and 20 have been amended. No claims have been canceled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

Applicants reserves all rights with respect to the applicability of the Doctrine of Equivalents.

Claims 1 and 4-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. WO 2003/055111 to Tervonen et al. (“Tervonen”).

The Examiner acknowledged that Tervonen “does not teach the first node having a series of band splitting filters.” (Office Action, p. 6).

Tervonen discloses an optical transmission network. More specifically, Tervonen discloses an interleaver 521 connected to mux/demux 511 and mux/demux 513 (Figure 5) which are not necessarily are located at the same place at the curb location (p. 11, lines 25-31). In contrast, amended claim 1 refers to a first remote distribution node and a second remote distribution node, wherein the first remote distribution node has at least one band splitting filter configured to connect to the second remote distribution node.

Therefore, applicants respectfully submit that claim 1, as amended, is not obvious under 35 U.S.C. §103(a) over Tervonen.

Given that claims 4-10 depend from amended claim 1, and add additional limitations, applicants respectfully submit that claims 4-10 are not obvious under 35 U.S.C. §103(a) over Tervonen.

Claims 2-3 and 11-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tervonen in view of U.S. Publication No. 2001/0038479 to Liu et al. (“Liu”).

As set forth above, Tervonen fails to disclose two or more remote distribution nodes in between a central office and a first optical network unit including a first remote distribution node and a second remote distribution node, each of the first remote distribution node and the second remote distribution node is located in a physically separate location, wherein the first remote distribution node has at least one band splitting filter configured to connect to the second remote distribution node coupled to two or more optical network units, wherein each of the first remote distribution node and the second remote distribution node separates one or more wavelength channels from a composite optical signal distributed through that remote distribution node, as recited in amended claim 1.

Liu, in contrast, discloses an optical add/drop multiplexer. More specifically, Liu discloses that the eight channel demultiplexer/multiplexer consisting of polarization filters (Figure 7). Liu fails to disclose two or more remote distribution nodes in between a central office and a first optical network unit including a first remote distribution node and a second remote distribution node, each of the first remote distribution node and the second remote distribution node is located in a physically separate location, wherein the first remote distribution node has at least one band splitting filter configured to connect to the second remote distribution node coupled to two or more optical network units, wherein each of the first remote distribution node and the second remote distribution node separates one or more wavelength channels from a composite optical signal distributed through that remote distribution node.

It is respectfully submitted that Tervonen does not teach or suggest a combination with Liu, and Liu does not teach or suggest a combination with Tervonen. It would be impermissible hindsight, based on applicants' own disclosure, to combine Liu and Tervonen.

Furthermore, even if Tervonen and Liu were combined, such a combination would still lack two or more remote distribution nodes in between a central office and a first optical network unit including a first remote distribution node and a second remote distribution node, wherein the first remote distribution node has at least one band splitting filter configured to connect to the second remote distribution node, as recited in amended claim 1.

Given that claims 2-3 and 11-16 depend from amended claim 1, and add additional limitations, applicants respectfully submit that claims 2-3 and 11-16 are not obvious under 35 U.S.C. §103(a) over Tervonen in view of Liu.

Amended claim 17 reads, in part, as follows: “generating the two or more smaller groups consisting of subsets of the wavelength channels by sequentially separating the first composite optical signal along the transmission path two or more times by a first remote distribution node connected to a second remote distribution node via at least one band splitting filter.” (emphasis added).

As set forth, Turvonen discloses an interleaver connected to two MUX/DeMuxes (Figure 7) at the curb location. In contrast, amended claim 17 refers to generating the two or more smaller groups consisting of subsets of the wavelength channels by sequentially separating the first composite optical signal along the transmission path two or more times by a first remote distribution node connected to a second remote distribution node via at least one band splitting filter.

Liu, in contrast, discloses an optical add/drop multiplexer. Liu fails to disclose generating the two or more smaller groups consisting of subsets of the wavelength channels by sequentially separating the first composite optical signal along the transmission path two or more times by a first remote distribution node connected to a second remote distribution node via at least one band splitting filter, as recited in amended claim 17.

It is respectfully submitted that Tervonen does not teach or suggest a combination with Liu, and Liu does not teach or suggest a combination with Tervonen. It would be impermissible hindsight, based on applicants' own disclosure, to combine Liu and Tervonen.

Furthermore, even if Tervonen and Liu were combined, such a combination would still lack generating the two or more smaller groups consisting of subsets of the wavelength channels by sequentially separating the first composite optical signal along the transmission path two or more times by a first remote distribution node connected to a second remote distribution node via at least one band splitting filter, as recited in amended claim 17.

Therefore, applicants respectfully submit that claim 17, as amended, is not obvious under 35 U.S.C. §103(a) over Tervonen in view of Liu.

Given that claim 20 contains limitations that are similar to those limitations set forth above with respect to amended claim 17, applicants respectfully submit that claim 20, as amended, is not obvious under 35 U.S.C. §103(a) over Tervonen in view of Liu.

Given that claims 18-19, and 21-22 depend from amended claims 17 and 20 respectively, and add additional limitations, applicants respectfully submit that claims 18-19, and 21-22 are not obvious under 35 U.S.C. §103(a) over Tervonen in view of Liu.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If the Examiner believes a

telephone conference would expedite the prosecution of the present application, the Examiner is invited to call the undersigned at (408) 720-8300.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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By: /Tatiana Rossin/
Tatiana Rossin
Reg. No. 56,833

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300

Customer No. 008791